



Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
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Closed Captioning of Video Programming)	CG Docket No. 05-231
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Telecommunications for the Deaf, Inc.)	
Petition for Rulemaking)	
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Comments of Alexander Graham Bell Association for the Deaf and Hard of Hearing

Alexander Graham Bell Association
for the Deaf and Hard of Hearing
3417 Volta Place, NW
Washington, DC 20004
November 9, 2005

The Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell) welcomes the opportunity to submit comments in response to The Notice of Proposed Rulemaking, CG Docket No. 05-231.

AG Bell is the world's oldest and largest membership organization promoting the use of spoken language by children and adults with hearing loss and is a lifelong resource, support network, and advocate for listening, learning, talking and living independently with hearing loss. AG Bell's 5,000 members include parents of children with hearing loss, adults who are deaf or hard of hearing, educators, audiologists, speech-language pathologists, physicians, and other professionals in fields related to hearing loss and deafness. Headquartered in Washington, DC with 28 chapter networks located in the United States, AG Bell meets its membership needs with advocacy, educational and outreach programs to support its mission: *Advocating Independence through Listening and Talking*.

AG Bell's members who are deaf or hard of hearing use video captioning extensively in all aspects of life to achieve the kind of accessibility to information that hearing people take for granted. AG Bell's position in ensuring that video programming is accessible to adults and children who are deaf or hard of hearing is guided by two factors: (1) quality of programming and (2) compliance.

QUALITY OF PROGRAMMING

- The FCC queries the need to adopt standards for non-technical quality of closed captioning, for example, should accuracy of transcription and non-technical quality standards be different for pre-recorded programs versus live programming?
- In addition, is there a need for additional procedures to prevent and remedy technical problems such as, captions not being delivered intact, or caption ending before the end of the programming? ("pass through" requirement)

Non-technical Quality Issues:

While AG Bell applauds the FCC on past incentives to implement standards for captioning, we urge you to adopt stricter standards for post-production and realtime captioning. Quality captions go beyond a mere transcript. The goal of captioning is to replicate the hearing listener's aural experience for the captioned reader. Captioning must provide a complete rendering of the audio soundtrack, either through literal rendering or appropriate description. This means tone of voice and other non-speech sounds that convey meaning to the listener. This is of

particular importance to children who are reading captions and enhancing and developing literacy skills as they view video programming.

AG Bell supports the FCC's inquiry into appropriateness of error rates for both pre-recorded captioning and live captioning.

As a consumer based organization, we submit and argue that pre-recorded captions must be nearly 100 percent perfect and agree with TDI that market incentives have not been sufficient to address the non-technical quality issues over the last five years. We acknowledge the difficulty of defining error standards for realtime captioning but support the concept of setting an error rate standard. We would welcome the opportunity to be engaged in the further process of defining error and setting an error standard. We also support the certification program requirements and standards that have been developed by the National Court Reporters Associations for realtime captioning writers that focus on increasing skill levels and expertise.

Technical Quality Standards:

We agree with TDI that programming distributors and providers should be held ultimately responsible and urge the FCC to adopt additional mechanisms and procedures for monitoring captioning to ensure that technical problems are remedied promptly and efficiently. It is imperative that captions that are “passed through” are delivered intact and synchronized (two examples of problems reported by consumers) with the video portion of the program to be accessible to persons with hearing loss.

While acknowledging that it is impossible for networks to respond to consumer requests instantaneously, the greatest barrier to ensuring effective quality of captions is the lack of accessibility to the network providers. Since consumers who are deaf or hard of hearing generally have difficulty with using the telephone, any mechanism that allow them to register problems with captioning should incorporate a strong web aspect, including clear reference at the end of TV shows to specific (and simple) web addresses where consumers can go to register captioning issues.

Recipients of such issues on the provider side should treat it as high priority (i.e. complaints don’t fall into the black hole of “tech support”). It is possible to develop more effective mechanisms that enable consumers to alert networks and local cable stations to notify the network of critical problems such as the failure to “pass through” captions at a local level. One example would be an alert button on a website that would allow the consumer to generate a trouble ticket that automatically gets sent to the appropriate staff of the network or cable company to notify them of a problem.

Availability/Competency of Captioners:

The FCC seeks comments on the impact that imposing a quality standard, if adopted, will have on the supply of captioners and what other steps could be taken to encourage individuals to train and become captioners.

As consumers, our greatest concern is the potential use of realtime captions for shows that should be captioned using offline services. We understand that some networks have attempted to limit costs by using realtime captions even though the show is taped in advance. This causes the captions to run behind the dialog and to provide limited information in comparison to offline captions. As long as realtime captioning services are limited to live and near-live shows, we do not expect that a quality standard will negatively impact the supply of captioners.

Again, AG Bell supports the initiatives of the National Association of Court Reporters in their continued training efforts that will certify captioners as highly qualified and we are encouraged in their continued recruiting efforts to increase the number of qualified persons in this field.

COMPLIANCE ISSUES

It is AG Bell's position that the Commission established compliance reporting requirements, accountability measures and sanctions if standards on video captioning are not met. Networks, broadcast, cable and satellites are responsible for the quality of captions and should be held accountable especially when the consumer is paying for the cost of service but denied accessibility to programming. We support TDI's proposal to establish fines and penalties for non-compliance and for a general complaint form that can be applied consistently to all providers as well as the FCC. We also request a revision to the complaint process to establish two categories of complaints: technical problems and number of hours captioned. We also urge that programmers be required to expedite resolution of the consumer complaint response time to be completed within 30 days.

We request that the Commission create and maintain an up to date database with contact information for video programming distributors and providers to achieve a greater accountability and facilitation for complaint resolution. This will allow direct access of consumers' complaints in order to facilitate resolution to problematic issues that deny accessibility to information that is of critical importance and demands immediacy such as emergency preparedness information.

We believe the FCC needs to be empowered to take a more proactive approach to enforcing the law. This means monitoring networks, perhaps by volunteer consumer monitoring organizations, to ensure compliance, particularly with the new and pre-rule and captioning standards that go into effect January 1, 2006 and January 1, 2008, respectively.

The FCC must be empowered to use the complaint form and monitor data to impose penalties on those stations and networks that fail to comply with either the letter or spirit of the law.

Submitted by:

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Alexander Graham Bell Association for the Deaf and Hard of Hearing